

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

LEON MATTHEW JACKSON,

Defendant-Appellant.

UNPUBLISHED

April 21, 2000

No. 219705

Oakland Circuit Court

LC No. 98-158320-FH

Before: Collins, P.J., and Neff and Smolenski, JJ.

MEMORANDUM.

Defendant appeals on delayed leave granted his plea-based conviction for first-degree retail fraud, MCL 750.356c; MSA 28.588(3). After violating probation by failing to successfully complete the special alternative incarceration program, defendant was sentenced as a fourth offense habitual offender to two to fifteen years' imprisonment. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant argues that the trial court erred in failing to allow him to withdraw his plea when he was given a sentence that was longer than provided for in his plea agreement. Defendant's argument is without merit. The trial court imposed the sentence discussed in the plea-taking procedure. Defendant was placed on two years' probation and violated that probation by failing to successfully complete boot camp. Where defendant violated the plea agreement, the court did not abuse its discretion in denying the motion to withdraw the plea after sentencing on the probation violation. *People v Kean*, 204 Mich App 533, 536; 516 NW2d 128 (1994).

Affirmed.

/s/ Jeffrey G. Collins

/s/ Janet T. Neff

/s/ Michael R. Smolenski